

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WAYNE F. BRABSON,)	
)	
Plaintiff,)	
v.)	Civil Action No. 06-276 Erie
)	
CYNTHIA A. DONOFRIO, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on November 24, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's report and recommendation, filed on November 20, 2007 [42], recommended that: (1) the motion to dismiss filed by the Honorable Dominick Motto [14] be granted; and (2) the motion to dismiss filed by Defendants Helen Morgan and Cynthia A. Donofrio [25] be granted. The parties were allowed ten (10) days from the date of service in which to file objections. On December 12, 2006, Plaintiff filed a motion for an evidentiary hearing [43] relative to the report and recommendation.

After de novo review of the Complaint and the documents in the case, together with the Report and Recommendation and Plaintiff's objections thereto, the following order is entered:

AND NOW, this 1st Day of February, 2008, IT IS HEREBY ORDERED that: (1) the motion to dismiss filed by the Honorable Dominick Motto [14] be granted; and (2) the motion to dismiss filed by Defendants Helen Morgan and Cynthia A.

Donofrio [25] be granted. IT IS FURTHER ORDERED that Plaintiff's motion for an evidentiary hearing [43] is denied.

The report and recommendation of Chief Magistrate Judge Baxter dated November 20, 2007 [42] is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: all parties of record
Chief U.S. Magistrate Judge Susan Paradise Baxter